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REMARKS

The Applicant has carefully considered the Examiner's comments in the Office Action dated August 17, 2004. Claims 1-7 currently stand rejected in the Office Action. The drawings stand objected to by the Examiner. Claims 1-7 and new claims 8-20 are now pending in the application. Specification paragraph [0023], [0026], [0027], and [0030] are amended and new paragraphs [0031] and [0032] are added as supported by the provisional application, specification and drawings. No new matter has been added to the application. Applicant respectfully requests reconsideration by the Examiner.

The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 64 and 70. Accordingly, Applicant has amended specification paragraph [0023] making the specification compliant with the drawings as required by 37 CFR 1.84(p)(5). Specifically, the reference to item 64 is change to correctly reference item 65 and the reference to item 70 is deleted from the specification. Accordingly, the objection is now obviated and the specification together with the drawings as previously submitted are in compliance 37 CFR 1.84(p)(5).

Specification paragraph [0023], [0026], [0027], and [0030] are amended and new paragraphs [0031] and [0032] are added. The amended and additional paragraphs are supported by the provisional application, the specification and the drawings that relate to this application. Applicant asserts that no new matter has been added in making these amendments.

In the Office Action, claims 1, 3, 5, and 7 were rejected under 35 U.S.C. § 102(a) as being anticipated by *Clark et al.* (US 6,422,514 B1). Applicant respectfully traverses that rejection.

Claim 1 is directed to an aircraft. The aircraft of Claim 1 requires a fuselage, a main wing, at least one vertical stabilizer and at least one horizontal stabilizer. Claim 1 further requires that the fuselage includes two elongated substantially cylindrical sections joined together side-by-side, one of the sections having at least one fuel tank positioned therein. The *Clark* reference is directed to a spacecraft. Moreover, the *Clark* reference is directed to a fuel tank structure in an aerospace vehicle. Also, the *Clark* specification does not describe what is actually shown by the dashed line in the figures as presupposed in the Office Action. Regardless of what is shown by the dashed line, the dashed line cannot support a showing of a fuselage, a main wing, at least one vertical stabilizer and at least one horizontal stabilizer.

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Applicant speculates what is clearly shown by the dashed line in the figures of *Clark* is a tail fin having control stabilizers in order for the spacecraft to reach orbit. The *Clark* reference fails to teach or suggest an aircraft as required by claim 1. Also, the *Clark* reference fails to teach or suggest an aircraft having a main wing as required by claim 1. Furthermore, on page 3 of the Office Action it is suggested that, "...*Clark* comprises two elongated cylindrical sections (112 and 118, for example) that are joined side-by-side, as shown in the figures." However, while it is true that *Clark* discloses two elongated cylindrical sections, *Clark* discloses "...a first pair of chambers 112 and 118 are arranged parallel to the sides of the body portion of the aerospace vehicle 10, and are connected together at a forward end portion thereof, but are spaced apart at a rearward portion thereof." *Clark*, col. 3, lines 9-13. Here the *Clark* reference emphasizes that the tanks are spaced apart and not joined side-by-side as supposed by the Office Action. *Clark* also fails to teach or suggest that the fuselage includes two elongated substantially cylindrical sections joined together side-by-side, one of the sections having at least one fuel tank positioned therein. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn as *Clark* fails to teach or suggest every limitation of claim 1.

Claim 3 is allowable as stated for claim 1 and as depending further therefrom.

Claim 5 requires two of the vertical stabilizers to be provided. In the Office Action it is stated that, "*Clark* additionally discloses two vertical stabilizers as can be seen upon examination of figures 1 and 2." Agreeing with the Office Action for the sake of argument that *Clark* discloses two vertical stabilizers further reinforces and emphasizes Applicant's position that *Clark* fails to disclose at least a main wing or a horizontal stabilizer as mentioned above for claim 1. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn as *Clark* fails to teach or suggest every limitation of claim 1. Claim 5 is allowable as depending from independent claim 1.

Claim 7 is allowable as depending from independent claim 1.

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 102(a) as being anticipated by *Lafferty* (US 6,394,392 B1). Applicant respectfully traverses that rejection.

Claim 1 is directed to an aircraft having a fuselage. Claim 1 requires that the fuselage includes two elongated substantially cylindrical sections joined together side-by-side, one of the sections having at least one fuel tank positioned therein. The *Lafferty* reference is directed to an aircraft having a plurality of fuselages. More specifically, the *Lafferty* aircraft has a central fuselage, and first and second sidesaddle fuselages mounted on opposite sides of the central

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fuselage. While it is true that the central fuselage of *Lafferty* may contain fuel, *Lafferty* teaches three fuselages. See *Lafferty*, col. 5, lines 61-67 and col. 6, lines 1-8. *Lafferty* fails to teach or suggest that the fuselage includes two elongated substantially cylindrical sections joined together side-by-side. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn as *Lafferty* fails to teach or suggest every limitation of claim 1.

Claim 2 is also allowable for the reasons stated for claim 1.

In the Office Action, claims 1, 2 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Roeder et al.* (US 5,086,996). Applicant respectfully traverses that rejection.

Claim 1 is directed to an aircraft having a fuselage with two elongated substantially cylindrical sections joined together side-by-side. Claim 1 requires that one of the elongated substantially cylindrical sections have at least one fuel tank positioned therein. The *Roeder* reference is directed to an aircraft having a bilobed fuselage to facilitate passenger movement from one lobe to the other in accordance with aviation safety regulations. Specifically, the *Roeder* reference states "arrangements are made to ensure that the central portion of the wing structure 9, which passes through the bilobed fuselage and forms a central wing box within the lower internal space of said fuselage." *Roeder*, col. 11, lines 38-42. Moreover, the wing structure of *Roeder* "constitutes the limit of a cellular fuel tank 80 which will thus have an increased capacity." *Roeder*, col. 11, lines 42-44. The Office Action on page 4 states that, "Roeder clearly... discloses fuel tanks within the cylindrical sections of the aircraft." While it is true, however, there is a wing structure that passes through the bilobed fuselage of *Roeder*, there is a fuel tank within the wing structure and not within the fuselage. *Roeder* fails to teach or suggest that at least one fuel tank is positioned within one of the elongated substantially cylindrical sections of the fuselage. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn as *Roeder* fails to teach or suggest every limitation of claim 1.

Claim 2 is also allowable for the reasons stated for claim 1.

Claim 4 is allowable as depending from independent claim 1. Claim 4 requires a plurality of fuel tanks are provided in the elongated substantially cylindrical section. Applicant agrees with the Examiner that *Roeder* teaches two fuel tanks. Moreover, the two fuel tanks of *Roeder* further emphasizes that the fuel tanks are in the wing and not within the fuselage as discussed above with respect to claim 1. Specifically, *Roeder* teaches that "movement of fuel between two tanks of the aircraft, these movements being intended to modify the position of the

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center of gravity of the aircraft during a flight with a view to reducing drag and achieving a saving of fuel." *Roeder* fails to teach or suggest a plurality of fuel tanks are provided in the elongated substantially cylindrical section. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn as *Roeder* fails to teach or suggest every limitation of claim 1.

In the Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lafferty* in view of *Flamand et al.* (3,405,893). Applicant respectfully traverses that ground of rejection.

In light of the foregoing, claim 6 is also allowable as depending from independent claim 1, and is therefore non-obvious as *Lafferty* in view of *Flamand* fails to teach or suggest every limitation of claim 1 and 6.

Accordingly, in view of the foregoing Remarks, the Applicant submits that claims 1-7 are allowable and in a proper condition for allowance. Moreover, Applicant submits the newly added claims 8-20 are also allowable and in proper condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Please charge any fees required in the filing of this amendment to Deposit Account 50-0476.

Respectfully submitted,

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